

REMARKS

This Response is submitted in reply to the Final Office Action dated June 8, 2009. Claims 54, 63, 67 and 69 have been amended for clarity. Claims 1 to 53, 55, 59 and 62 were previously cancelled. No new matter has been added by these amendments. A Request for Continued Examination is submitted herewith. Please charge deposit account number 02-1818 for the cost of this Request for Continued Examination, and for any fees associated with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Applicant requests that the Examiner allow the application or provide an upcoming Office Action which will ". . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 54, 56 to 58, 60, 61, 63, 64, 66, 67 and 69 to 72 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,234,897 to Frohm et al. ("Frohm").

Column 1, lines 56 to 62 of the background of the invention of Frohm disclose:

[t]he bonus game is entered upon the appearance of a special symbol combination of start-bonus symbols on the reels of the slot machine in the base game. In the bonus game, the probability of winning combinations appearing on the reels, or the "hit rate," is much greater than that of the base game. The player is permitted to keep playing and accumulate winnings from the bonus game until a losing trial occurs.

Column 2, lines 13 to 24 of the summary of the invention of Frohm disclose:

[a] slot machine comprises a spinning reel display and a bonus game. The spinning reel display shows a plurality of symbols on each of a plurality of rotatable reels. The reels are rotated and stopped to place the symbols of each reel in visual association with a pay line. The pay line is associated with at least one of the symbols on each of the reels. The bonus game is triggered in response to start-bonus symbols from the respective stopped reels appearing in the spinning reel display. The bonus game having

different expected values based on different arrangements of the start-bonus symbols in the spinning reel display.

The method of operating a gaming machine having a plurality of game symbols at least including a plurality of different award value symbols and a plurality of end game symbols of amended independent Claim 54 includes: (a) randomly generating a combination of the plurality of game symbols, (b) causing a display of the gaming machine to display: (i) the randomly generated combination of the plurality of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of the plurality of game symbols, an individual numerical award value associated with the randomly generated award value symbol, (c) summing the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value, (d) repeating steps (a) and (c) until a predetermined number of the end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, the predetermined number being at least one, and (e) ending play when the predetermined number is reached.

It appears that the Office Action interpreted the symbols of a winning symbol combination of Frohm as the plurality of award value symbols of the method of operating a gaming machine of amended independent Claim 54. The Office Action reasoned that since a winning symbol combination is associated with an award (according to the payable of Frohm), the symbols that form such a winning symbol combination are displayed award value symbols. Specifically, the Response to Arguments section of the Office Action stated:

[i]n response to the argument that Frohm does not disclose displaying award value symbols, the examiner disagrees. The examiner points out that the symbols displayed on the reels as taught by Frohm, represents the award value and hence are the award value symbols because there is a payable associated with the game that specifies the award value associated with each symbol and combination of symbols. This therefore implies that the award value is depicted and displayed through the displayed symbols and thereby teaching the limitation of displaying awarded value.

The Advisory Action further stated:

it is a well know in the art that for symbol combination to be correspondent to a payout, the combination needs to have certain symbols. Basically, all symbols inherently have values assigned to them. The examiner further points out that even if the payable is based on the combination of symbols, the symbols that make up the combination have values assigned to them and in based on this interpretation, the value of such symbols in a combination for example is such that provides the outcome that carries an award in combination with the other symbols.

Applicant respectfully submits that if the award according to the payable of Frohm is "depicted and displayed through the displayed symbols," then each generated symbol of Frohm must be an award value symbol. For example, if a symbol combination of three cherry symbols is associated with a payout of 10 credits (per the payable of Fig. 6 of Frohm), then based on the Office Action's interpretation, each cherry symbol is an award value symbol with a displayed award value of 3.33. Additionally, if a symbol combination of three triple bar symbols is associated with a payout of 50 credits (per the payable of Fig. 6 of Frohm), then based on the Office Action's interpretation, each triple bar symbol is an award value symbol with a displayed award value of 16.67. If each generated symbol of Frohm is an award value symbol, then Frohm does not anticipate generating a combination of the plurality of game symbols, the plurality of game symbols at least including a plurality of different award value symbols and a plurality of end game symbols. On the other hand, the method of operating a gaming machine of amended independent Claim 54, including generating a combination of the plurality of game symbols, the plurality of game symbols at least including a plurality of award value symbols and a plurality of end of game symbols.

Additionally, based on the interpretation that the symbols of the symbol combinations of Frohm are the plurality of award value symbols of the method of operating a gaming machine of amended independent Claim 54, Frohm does not disclose summing the individual displayed numerical award values to form an

accumulated winnings value. That is, Frohm does not disclose any individual game symbols that display a numerical award value when that game symbol is randomly generated and displayed, wherein the displayed numerical award values associated with any randomly generated and displayed award value symbols are summed. While Frohm may disclose conventional game symbols which include numbers (e.g., Blue 7 and Red 7), such numbers are game symbols and not displayed award values that are summed to form an accumulated winnings value. For example, according to Fig. 6 of Frohm, a symbol combination of three Blue 7 symbols is associated with a payout of 500 credits (and not a payout of 21 credits which, according to the Office Action's interpretation, would be the sum from the three "Blue 7" symbols in the symbol combination). On the other hand, the method of operating a gaming machine of amended independent Claim 54 includes causing a display of the gaming machine to display: (i) the randomly generated combination of the plurality of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of the plurality of game symbols, an individual numerical award value associated with the randomly generated award value symbol and summing the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value. For example, as seen in Fig. 1 of the present patent application (reproduced below), the individual displayed numerical award values of 3, 0 and 1 associated with the award value symbols randomly generated on payline 65 are summed to form an accumulated winnings value of 4 (or $3+0+1$).

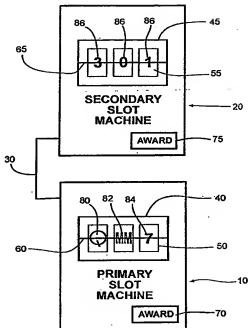


Fig. 1

In response to this argument, the Response to Arguments section of the Office Action stated:

[i]n response to the argument that Frohm does not teach the limitation of summing up awards, the examiner disagrees. The examiner points out that it is apparent that for accumulated winnings to occur, there has to be summing up of winnings as the game progresses. Further, col. 1, lines 61-62 of Frohm also states that game play continues with winnings being accumulated, which infers that the winning per game is game is summed up as the game progresses until the game ends.

The Advisory Action further stated:

Examiner further points out that Frohm in col.1, lines 61 and 62 teaches on the continuous accumulation of winnings, which as understood and interpreted by the examiner teaches the limitation of summing up awards.

To clarify, Applicant respectfully submits that the Response to Office Action dated January 22, 2009 did not state that Frohm does not teach summing up awards as the game progresses. Rather, the Response to Office Action dated January 22, 2009 stated that Frohm does not anticipate any individual game symbols that display an award value when that game symbol is randomly

generated and displayed, wherein the displayed award values associated with any randomly generated and displayed award value symbols are summed.

Additionally, it appears that the Office Action is interpreting the disclosure in the background of Frohm that "[t]he player is permitted to keep playing and accumulate winnings from the bonus game until a losing trial occurs" as Frohm's disclosure of a plurality of end game symbols. Specifically, the Response to Arguments section of the Office Action stated

[i]n response to the argument that Frohm does not teach end of game symbols, the examiner disagrees and points out that Frohm teaches game ending symbols. Frohm teaches an end-game outcome in col. 1, lines 61-62 on playing the game continuously till a "losing trial" occurs, which represents the end of game outcome.

Applicant respectfully disagrees and submits that ending play when a predetermined number of end game symbols have been randomly generated in the generated combinations of the plurality of game symbols is patentably different than a game that is played continuously till a "losing trail" occurs. While Frohm may include a game that is played continuously till a "losing trail" occurs, Frohm does not anticipate individual symbols that end the play of the game. Moreover, while Frohm may include certain symbol combinations that are losing symbol combinations that end the play of a game of Frohm, such losing symbol combinations are not individual symbols that end the play of the game of Frohm. That is, Frohm does not anticipate end game symbols and specifically does not anticipate repeating the loop of: (a) randomly generating a combination of the plurality of game symbols, (b) causing a display of the gaming machine to display: (i) the randomly generated combination of the plurality of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of the plurality of game symbols, an individual numerical award value associated with the randomly generated award value symbol, and (c) summing the individual displayed numerical award values associated with any displayed award value symbols to form an accumulated winnings value until a predetermined number of the end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, and ending play

when the predetermined number is reached. On the other hand, the method of operating a gaming machine of amended independent Claim 54 includes repeating steps (a) and (c) until a predetermined number of the end game symbols have been randomly generated in the generated combinations of the plurality of game symbols, and ending play when the predetermined number is reached.

For at least these reasons, Applicant submits that amended independent Claim 54 is patentably distinguished over Frohm and is condition for allowance.

Claims 56 to 58, 60 and 61 depend directly or indirectly from independent Claim 54 and are also allowable for the reasons given with respect to Claim 54 and because of the additional features recited in these claims.

Independent Claims 63, 67 and 69 each include certain elements similar to certain elements of amended independent Claim 54. For reasons similar to the reasoning discussed above with respect to amended independent Claim 54, amended independent Claim 63, 67 and 69 (and dependent Claims 64, 66 and 70 to 72) are each patentably distinguished over Frohm and are in condition for allowance.

The Office Action rejected Claims 65 and 68 under 35 U.S.C. §103(a) as being unpatentable over Frohm in view of U.S. Patent No. 5,976,016 to Moody et al. ("Moody").

The Abstract of Moody discloses:

A player makes a wager for each pay line on a slot machine that the player wishes to play. On a first pay line of the slot machine, a first row of symbols is displayed to the player. The player selects none, one or more of the symbols from the first pay line as symbols to be held. The symbols that are held are duplicated from the first pay line into all of the other pay lines on which the player has wagered. Replacement symbols for the non-selected symbols are then randomly displayed on the first pay line for the symbols that were discarded. Additional symbols are also randomly displayed into all of the other pay lines wagered on by the player so that each pay line has the required number of symbols. The ranking of each pay line is determined by comparing the results of the displayed

symbols to a pay table. The player is then paid for any winning pay lines based on the pay table and the amount of the player's wager.

Moreover, column 6, lines 25 to 28 of Moody discloses:

A jackpot, which is either a fixed amount or a progressive jackpot, can be paid for five symbols of the same kind or five symbols of the same kind and color.

The Office Action stated that Frohm fails to teach comprising a progressive jackpot in response to ending the bonus game. The Office Action concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination of the teachings of Frohm and Moody so as to have a game with increased intensity, interest and anticipation for the game player towards winning at the end of the game.

Applicant respectfully disagrees and submits that regardless of whether or not it would have been obvious to incorporate Moody into Frohm, if each generated symbol of Frohm is interpreted as an award value symbol (as described above), then the method of operating a gaming machine resulting from the combination of Frohm and Moody would not anticipate or render obvious randomly generating a combination of game symbols from the plurality of game symbols at least including a plurality of different award value symbols and at least one end game symbol for a play of the bonus game, and causing a display device to display: (i) the randomly generated combination of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of game symbols, an individual numerical award value associated with the randomly generated award value symbol. On the other hand, the method of operating a gaming machine of Claim 65 includes, amongst other elements, randomly generating a combination of game symbols from the plurality of game symbols at least including a plurality of different award value symbols and at least one end game symbol for a play of the bonus game, and causing a display device to display: (i) the randomly generated combination of game symbols, and (ii) for each of any randomly generated award value symbols of the

randomly generated combination of game symbols, an individual numerical award value associated with the randomly generated award value symbol.

Moreover, regardless of whether or not it would have been obvious to incorporate Moody into Frohm, the method of operating a gaming machine resulting from the combination of Frohm and Moody would not anticipate or render obvious repeating the steps of randomly generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, causing a display device to display: (i) the randomly generated combination of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of game symbols, an individual numerical award value associated with the randomly generated award value symbol, and for the play of the bonus game, summing the individual displayed numerical award values associated with any randomly generated award value symbols to form an accumulated winnings value.

That is, while the method of operating a gaming machine resulting from the combination of Frohm and Moody may include a game that is played continuously till a "losing trail" occurs, the method of operating a gaming machine resulting from the combination of Frohm and Moody does not anticipate or render obvious individual symbols that end the play of the game. Moreover, the method of operating a gaming machine resulting from the combination of Frohm and Moody does not anticipate or render obvious repeating the loop of: randomly generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, causing a display device to display: (i) the randomly generated combination of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of game symbols, an individual numerical award value associated with the randomly generated award value symbol, and for the play of the bonus game, summing the individual displayed numerical award values associated with any randomly generated award value symbols to form an accumulated winnings value until one of: (i) the formed accumulated winnings value reaches a predetermined value greater than zero, or (ii) at least one of the end game

symbols is randomly generated in any of the generated combinations of game symbols. On the other hand, the method of operating a gaming machine including a bonus game of Claim 65 includes, amongst other elements, repeating the steps of: randomly generating a combination of game symbols from the plurality of game symbols for a play of the bonus game, causing a display device to display: (i) the randomly generated combination of game symbols, and (ii) for each of any randomly generated award value symbols of the randomly generated combination of game symbols, an individual numerical award value associated with the randomly generated award value symbol, and for the play of the bonus game, summing the individual displayed numerical award values associated with any randomly generated award value symbols to form an accumulated winnings value until one of: (i) the formed accumulated winnings value reaches a predetermined value greater than zero, or (ii) at least one of the end game symbols is randomly generated in any of the generated combinations of game symbols. For at least these reasons, Applicant submits that Claim 65 is patentably distinguished over Frohm and Moody and is condition for allowance.

Claim 68 includes certain elements similar to certain elements of Claim 65. For reasons similar to the reasoning discussed above with respect to Claim 68, Claim 68 is patentably distinguished over Frohm and Moody and is in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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